IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE TWENTY SEVENTH DAY OF JANUARY
TWO THOUSAND AND SIX

PRESENT

THE HON'BLE MR JUSTICE R.SUBHASH REDDY

WRIT PETITION NO : 12449 of 2001

Between:

Sri P.Venkata Naidu,

..... PETITIONER

AND

1 A.P.Power Distribution Corporation, Rep. Secretary.
Vidyut Soudha, Hyderabad.
2 The Divisional Engineer, DPE,
Anantapur District.
3 The Assistant Account Officer, ERO.,
Tadipatri, Ananthapur District.
4 The Asst. Divisional Engineer, Operation,
Sub Division, Gooty,
Anantapur District.

…..Respondents.
THE HONOURABLE SRI JUSTICE R. SUBHASH REDDY

WRIT PETITION NO. 12449 OF 2001

ORDER:

The petitioner, a proprietor of floor mill in Rayalacheruvu village of Anantapur District, has filed this Writ Petition, questioning the demand notice dated 30-4-2001 in Lr.No.ADE/O/Sub.ER/D.No.2010/2001, issued by the Assistant Divisional Engineer, Operation, Sub Division, Gooty Anantapur District, demanding an amount

of Rs.1,17,712/- on account of arrears of consumption charges for the electricity service connection bearing No.23.

The only ground raised in the writ petition is, that respondents have already issued regular monthly bills; in that view of the matter, no demand can be raised against the petitioner by assessing consumption charges on average basis, taking monthly consumption of 589 units.

In the counter affidavit filed on behalf of the respondents, while admitting that petitioner had paid some amounts in lumpsum, i.e. Rs.5,000/-on 29-9-1998, Rs.5000/- on 6-10-2000, Rs.7,550/- on 17-3-2001, it is stated, that impugned demand is for shortfall amount of Rs.1,17,712/-. It is further stated in the counter affidavit, that though the petitioner was using electricity power, but however, bills were not issued from June, 1996 to April, 2001. While denying the allegation of the petitioner, that demand is raised on assessment of consumption on average basis in the month, it is stated, as much as no bills were issued for the months from June 1996 to April, 2001, basing on total consumption during the said months, as per the recorded readings, consumption is distributed for all the months, for which period bills were not issued.

Mainly impugned demand is questioned on the ground, that the respondents have raised demand basing on average assessment with regard to energy consumption, but however, from the counter affidavit, it is clear, that demand is raised for the consumption arrears from June, 1996 to April 2001, during which time, bills were not issued. As the meter was functioning normally, respondents have calculated consumption charges basing on meter readings and the entire consumption is distributed for all the months, for which, bills were not issued. It is not the case of assessment of consumption on average basis, as pleaded by the petitioner. It is also clear from the counter affidavit, that after taking into account the payments made by the petitioner on 29-9-1998, 6-10-2000, and 17-3-2001, for the balance arrears only, impugned demand is made. In that view of the matter, I do not find any illegality in the demand.

The Writ Petition is devoid of merits and the same is accordingly dismissed. No

order as to costs.

JUSTICE R. SUBHASH REDDY

DATED: 27-01-2006.

Msnr.